

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

ACE HANKE,

Plaintiff,

4:23CV3208

vs.

ORDER

MICHELLE A. KING, Acting Commissioner of Social Security;

Defendant.

This matter is before the Court on the Magistrate Judge's Findings and Recommendation ([Filing No. 33.](#)), recommending that the plaintiff's motion for an order reversing the Commissioner's decision ([Filing No. 23.](#)) be denied, and the Commissioner's motion for an order affirming the Commissioner's decision ([Filing No. 25.](#)) be granted. Neither party has objected to the Findings and Recommendation. See [28 U.S.C. § 636\(b\)\(1\); NECivR 72.2.](#)

The parties were expressly advised, "A party may object to a magistrate judge's findings and recommendation by filing an objection within fourteen (14) days of being served with a copy of the findings and recommendation. [NECivR 72.2.](#) Failure to timely object may constitute a waiver of any objection." ([Filing No. 33 at 22.](#))

Title 28 U.S.C. § 636(b)(1) provides for de novo review of a Magistrate Judge's findings or recommendations only when a party objects to them. [Peretz v. United States, 501 U.S. 923 \(1991.\)](#) A party's failure to file an objection to a report and recommendation of a magistrate judge, therefore, waives not only de novo review, "but *any* review by the Court." [Ramos v. Farmers Ins. \(NWL\), 586 F.Supp.3d 968, 969 \(D.Neb. 2022\)](#) (citing [Thomas v. Arn, 474 U.S. 140, 149-51, 106 S.Ct. 466 \(1985\); United States v. Wise, 588 F.3d 531, 537 n.5 \(8th Cir. 2009\); Daley v. Marriott](#)

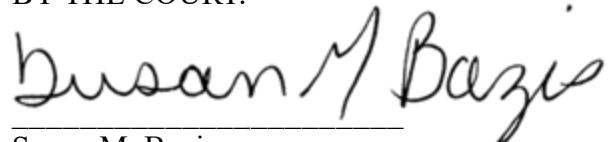
Int'l, Inc., 415 F.3d 889, 893 (8th Cir. 2005)). Accordingly, the Magistrate Judge's Findings and Recommendation is adopted, and any objection is deemed waived.

IT IS ORDERED:

1. The Magistrate Judge's Findings and Recommendation ([Filing No. 33.](#)) is adopted.
2. The plaintiff's motion for an order reversing the Commissioner's decision ([Filing No. 23.](#)) is denied.
3. The Commissioner's motion for an order affirming the Commissioner's decision ([Filing No. 25.](#)) is granted.
4. A separate judgment will be entered.

Dated this 21st day of February, 2025.

BY THE COURT:



Susan M. Bazis
United States District Judge